

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CALUMET RIVER FLEETING, INC.

and

Case 13-CA-127122

INTERNATIONAL LONGSHOREMEN'S  
ASSOCIATION, LOCAL 2070, GLDC-ACD,  
AFL-CIO

**DECISION AND ORDER**

Statement of the Case

On August 20, 2014, Calumet River Fleeting, Inc. (the Respondent), International Longshoremen's Association, Local 2070, GLDC-ACD, AFL-CIO (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

**Findings of Fact**

1. The Respondent's business

At all material times, Calumet River Fleeting, Inc., (the Respondent) has been a corporation with an office and place of business in Chicago, Illinois (the Respondent's facility), and has been engaged in the business of transporting goods and materials on inland waters.

In conducting its operations during the calendar year ending December 12, 2013, the Respondent derived gross revenues in excess of \$50,000 for the transportation of goods and materials from the State of Illinois directly to points outside the State of Illinois.

At all material times, the Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization involved

At all material times, the International Longshoremen's Association, Local 2070, GLDC-ACD, AFL-CIO (the Union) has been a labor organization within the meaning of Section 2(5) of the Act.

3. The appropriate unit

Employees described in Article 1 Section 1(e) of the current collective-bargaining agreement between the Respondent and the Union, as described below, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

Since about 2012 and at all material times, the Respondent has recognized the Union as the exclusive collective-bargaining representative of the unit. This recognition is embodied in a collective-bargaining agreement effective by its terms from September 1, 2012, to August 31, 2017.

At all material times, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the unit.

## **ORDER**

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, Calumet River Fleeting, Inc., Chicago, Illinois, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Unlawfully bypassing the International Longshoremen's Association, Local 2070, GLDC-ACD, AFL-CIO as the exclusive collective-bargaining representative of its unit employees by soliciting bargaining unit employees to enter and entering into individual employment contracts.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Upon request, bargain collectively with the International Longshoremen's Association, Local 2070, GLDC-ACD, AFL-CIO as the exclusive collective-bargaining representative of its employees at its Chicago, Illinois, facility as described in Article 1 Section 1(e) of the current collective-bargaining agreement between the Respondent and the Union with respect to rates of pay, wages, hours of employment, and other conditions of employment.

(b) The Respondent will cease offering, soliciting, entering into, continuing or giving effect to, enforcing or attempting to enforce, any individual employment agreements executed by and between the Respondent and various bargaining unit employees during the period beginning around May 1, 2013 through December 31, 2013.

(c) The Respondent will rescind and give no effect to the following individual agreements with bargaining unit employees or any other individual agreements executed by and between the Respondent and individual bargaining unit employees during the period beginning around May 1, 2013 through December 31, 2013:

1) William Selvick, contract executed about May 27, 2013;

2) Kay Englebert, contract executed about May 29, 2013;

3) Erick May, contract executed about May 31, 2013;

4) Andrew Conley, contract executed about July 1, 2013;

5) Joshua Brenner, contract executed about October 16, 2013.

(d) Within 14 days of service by the Region, post at its Calumet River Fleeting, Inc., facility located at 10048 S Indianapolis Ave., Chicago, Illinois 60617-6029, including all places where notices to members are customarily posted, copies of the attached notice ("Exhibit 3"). Copies of the notice, on forms provided by Region 13, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(e) Mail to the Regional Director for Region 13, signed copies of said notice as directed by the Regional Director's designee.

(f) Notify the Regional Director, in writing, within 21 days from the date of this Order, what steps the Respondent has taken to comply herewith.

Dated, Washington, D.C., October 14, 2014

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Mark Gaston Pearce, Chairman

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Harry I. Johnson, III, Member

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Nancy Schiffer, Member

(SEAL)

**NATIONAL LABOR RELATIONS BOARD**

### EXHIBIT 3

**NOTICE TO EMPLOYEES  
POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER  
AND A CONSENT JUDGMENT OF ANY APPROPRIATE  
UNITED STATES COURT OF APPEALS**

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

**WE WILL NOT** bypass the International Longshoremen's Association, Local 2070, GLDC-ACD, AFL-CIO, as the exclusive collective-bargaining representative of our unit employees and solicit individual employees to enter and/or entering into individual employment contracts with bargaining unit employees.

**WE WILL NOT** in any like or related manner interfere with your rights under Section 7 of the Act.

**WE WILL**, upon request, bargain collectively with the International Longshoremen's Association, Local 2070, GLDC-ACD, AFL-CIO, as the exclusive collective-bargaining representative of our employees at our Chicago, Illinois, facility as described in Article 1 Section 1(e) of the current collective-bargaining agreement between the Respondent and the Union with respect to rates of pay, wages, hours of employment, and other conditions of employment.

**WE WILL** cease soliciting and entering into individual employment agreements with bargaining unit employees and **WE WILL** rescind any agreement executed by the Respondent with its employees during the period around May 1, 2013 through December 31, 2013 pursuant to the terms of the Formal Settlement Agreement.

**CALUMET RIVER FLEETING, INC.**

The Board's decision can be found at [www.nlr.gov/case/13-CA-127122](http://www.nlr.gov/case/13-CA-127122) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

